

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
)
vs.) Mag. No. 1:15-mj-262
)
)
NICHOLAS CHEATON) JUDGE STEGER

MEMORANDUM AND ORDER

In accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure and in accordance with the Bail Reform Act, 18 United States Code § 3142(f), the initial appearance was held in this action on September 1, 2015.

After being sworn in due form of law, Defendant was informed of his privilege against self-incrimination under the 5th Amendment to the United States Constitution, as well as his right to counsel under the 6th Amendment to the Constitution.

The Court determined that Defendant wished to be represented by an attorney and that he qualified for the appointment of an attorney to represent him at government expense. Consequently, the Court APPOINTED Attorney Scott Ray to represent Defendant.

Defendant was furnished with a copy of the Complaint and the Warrant for Arrest, and had an opportunity to review those documents with his attorney. The Court determined that Defendant was able to read and understand the documents.

The AUSA moved the court for an order detaining Defendant. Defendant waived his detention hearing, reserving the right to ask for a detention hearing at a later date. Defendant requested more time to prepare for his preliminary hearing. Such request was granted, and the preliminary hearing was scheduled for September 16, 2015, at 2:00 p.m. The Court, however, canceled the September 16, 2015, preliminary hearing after counsel notified the Court of Defendant's intent to waive the preliminary hearing. A Waiver of Preliminary Hearing was later filed on October 2, 2015 (Doc. 12).

Based on the sworn Affidavit/Complaint and Defendant's waiver of preliminary hearing and detention hearing, the Court finds that there is probable cause to believe that there has been a violation of 18 U.S.C. § 2113(d), bank robbery, committed in the Eastern District of Tennessee; and that there is probable cause to believe the Defendant committed the aforesaid offense.

It is therefore ORDERED Defendant is DETAINED without bail.

Nunc Pro Tunc September 7, 2015.

ENTER.

s/Christopher H. Steger
UNITED STATES MAGISTRATE JUDGE